

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R2647-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/13327	International filing date (<i>day/month/year</i>) 26.11.2003	Priority date (<i>day/month/year</i>) 26.11.2002
International Patent Classification (IPC) or both national classification and IPC B01J2/10		
Applicant UNIVERSITEIT GENT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 - . These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 27.04.2004	Date of completion of this report 07.04.2005
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EXAMINATION REPORT**

International application No. PCT/EP 03/13327

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-34 as originally filed

Claims, Numbers

1-38 received on 05.02.2005 with letter of 03.02.2005

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,5,7-15,17,19,21-25,27-32
	No: Claims	1,3,4,6,16,18,20,26,33-38
Inventive step (IS)	Yes: Claims	
	No: Claims	1-38
Industrial applicability (IA)	Yes: Claims	1-38
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

1. The following document is referred to in this communication:

D1: US-A-4416606

2. The present application does not meet the requirements of Article 33(1)(2) because the subject-matter of claims 1 and 3 is not new.

2.1 Document D1 describes a device for the wet granulation of material (col. 1, lines 5-9). The device comprises (cf. col. 3, line 5-col. 4, line 60; figures 1-5) a housing (reference 1 in the figures), inlet means for the mixture solid-liquid (reference 7 in the figures) and a twin screw system, comprising a first transport zone (reference I in the figures) an agglomeration zone (reference II₁ in the figures) and a second transport zone (reference II₂). It has to be pointed out that in the present application it is not specified how is the movement (forward or backward) in the second transport zone. A final zone is provided with means for breaking the agglomerates. These last means are not creating a pressure gradient at the outlet of the granulation device, as can be seen clearly in the figures, specially figures 2 and 5. It is obvious that the material inside the device of D1 must be continuously advanced in order to get the final product. Thus, all the elements of the apparatus as disclosed in claim 1 of the present application can be identified in the apparatus of D1. Accordingly, the subject-matter of claim 1 is not new.

2.2 The additional features of claim 3 are only optional. These optional features are also described in D1 (see figures 1-5). Thus, the subject-matter of claim 3 is not new.

3. Document D1 also discloses a process for preparing granules using the apparatus and including all the steps of claim 16, which is therefore not new (Article 33 PCT).

4. Moreover, the disclosure of D1 anticipates the features of dependent claims 4, 6, 18, 20 and 26. Thus, the subject-matter of these claims is not new (Article 33).

5. Claims 33-38 are directed to the granules prepared using the apparatus and/or method of the previous claims, and shaped articles prepared using those granules. Since the apparatus and the method are not new, the granules cannot be considered as new. Furthermore, it has to be noted that, as advantages of the claimed apparatus and method, only economic reasons (less liquid, simple apparatus) are cited. There are no specific characteristics of the granules prepared using the claimed apparatus or method and therefore it is impossible to distinguish the granules prepared according to

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the claimed invention from similar granules prepared using a different apparatus or method. Same reasoning applies to the articles prepared using those granules.

6. The dependent claims 2, 5, 7-15, 17, 19, 21-25 and 27-33 do not appear to contain any feature which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(1)(3)).